UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

1500 MINERAL SPRING ASSOCIATES, LP
Appellant,

v. C.A. No. 04-496T

LOUIS A. GENCARELLI, SR. ,
et al.,
Appellees;

1800 SMITH STREET ASSOCIATES, LP
Appellant,

v. C.A. No. 05-09T

LOUIS A. GENCARELLI, SR. ,
et al.,
Appellees;

1800 SMITH STREET ASSOCIATES, LP
Appellant,

v. C.A. No. 05-10T

LOUIS A. GENCARELLI, SR.,
et al.,
Appellees.

JUDGMENT

[ ] Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

[X] Decision by the Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED:

Pursuant to the November 8th, 2006 Opinion and Order of this Court, judgment hereby enters as follows: the Bankruptcy Court's November 10th, 2004 order denying appellants 1500 Mineral Spring Associates, LP's and 1800 Smith Street Associates, LP's motion to dismiss Gencarelli's Chapter 11 petition and its September 22nd, 2004 order fixing the amount that the appellants are entitled to recover under 11 U.S. C. §502 (b)(6), are hereby VACATED and the case is remanded to the Bankruptcy Court for further proceedings consistent with the November 8th, 2006 Opinion and Order;

further, the Bankruptcy Court's December 29th, 2004 order authorizing an interim distribution to Appellee Louis A. Gencarelli, Sr. is hereby AFFIRMED.

Enter:

Deputy Clerk

Dated: November 9th, 2006